

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

ROBERT E. BROWN and,)	
SHIRLEY H. BROWN, h/w,)	C. A. 04-617 SLR
Plaintiffs,)	
v.)	
)	JURY DEMANDED
INTERBAY FUNDING, LLC, and)	
LEGRECA & QUINN REAL ESTATE)	
SERVICES INC.,)	
)	
Defendants.)	

**REPLY IN SUPPORT OF
DEFENDANT LAGRECA & QUINN REAL ESTATE SERVICES, INC'S
MOTION FOR SUMMARY JUDGMENT, D.I. 74**

WITH THE PRESUMPTION that Plaintiffs’ Motion to Dismiss Defendants’ Motions for Summary Judgment was intended as Plaintiffs’ Answer, Defendant Lagreca & Quinn Real Estate Services, Inc., (hereinafter “Lagreca & Quinn”) hereby replies as follows:

1. Lagreca & Quinn incorporates all arguments made in its Motion for Summary Judgment, D.I. 74, by reference herein, and makes them a part hereto.
2. The Plaintiffs' claims and all of their arguments are based on Mr. Brown's personal interpretation of the Uniform Standards of Professional Appraisal Practice (hereinafter "USPAP"), federal statutes, and federal regulations. *See*, Brown deposition transcript, Attachment 3 to D.I. 74.
3. The USPAP is a technical manual written specifically for use by state and federal agencies and professional appraisers. It uses professional jargon which requires interpretation by someone trained in appraisal practice in order for the language and meaning of each standard therein to be correctly construed.
4. Discovery is complete in this action and Plaintiffs have deliberately chosen not to obtain the opinion of any person who would be qualified to testify regarding the proper interpretation

of the USPAP. In fact, Mr. Brown testified that he did not need to obtain an opinion from a licensed appraiser because no one in the field of real estate appraisal was smarter than he. See Exhibit 2 attached hereto and made a part hereof, Brown depo., p. 32, ln. 1-14.

5. Mr. Brown is not qualified by education, training, or experience to testify as to the proper interpretation of the USPAP.

6. Mr. Brown even misinterprets the meaning of the designation “SRM” and misrepresents that it means Mr. Lagreca is not qualified to appraise commercial property. *See*, D.I. 82.

7. The State of Delaware issued Mr. Lagreca a Professional License as a Certified General Real Property Appraiser, deeming him as qualified to appraise commercial as well as residential property. Mr. Lagreca has extensive experience in appraising commercial property. A summarized list of Mr. Lagreca’s experience and qualifications and a copy of his Delaware Professional License are already a part of the record in this action as Exhibit A to Lagreca & Quinn’s Response Brief, D.I. 26. For convenience, a copy of the license and the qualifications page are attached hereto as Exhibit 1.

8. Mr. Brown has misunderstood and/or misinterpreted and thereafter misrepresented the meaning and intent of the standards and regulations which Plaintiffs allege have been violated. Upon information and belief, the *pro se* Plaintiffs have not retained legal counsel to interpret federal law.

9. All of Plaintiffs’ allegations and arguments are based on Mr. Brown’s misinterpretation of standards, statutes, regulations, discovery, and the record in this action; none of their allegations or arguments are supported by qualified opinion or data.

10. Therefore, the record clearly shows that Plaintiffs cannot sustain their burden of proof

on any of their claims and that the defendant Lagreca & Quinn is entitled to judgment as a matter of law.

WHEREFORE, the Defendant Lagreca & Quinn Real Estate Services, Inc., respectfully requests that this Honorable Court grant Judgment in its favor and against Plaintiffs, dismissing all actions against Lagreca & Quinn with prejudice and granting it damages in an amount sufficient to compensate it for the costs incurred in defending this action, including reasonable attorneys fees.

RESPECTFULLY SUBMITTED,

REGER & RIZZO, LLP

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Dated: April 18, 2005